IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 6TH FEBRUARY 2007 / 17TH MAGHA 1928

WP(C).No. 17145 of 2006(N)

PETITIONER:

N. SALEENA, W/O. LATE SHANAVAZ,
PUTHUPARAMBU VEETTIL, PETTAYIL,
PATHANAMTHITTA VILLAGE, PATHANAMTHITTA P.O.

BY ADV. SRI.S.MUHAMMED HANEEFF

RESPONDENTS:

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1. SUB INSPECTOR OF POLICE,
PATHANAMTHITTA POLICE STATION,
PATHANAMTHITTA.

2. CIRCLE INSPECTOR OF POLICE,
PATHANAMTHITTA.

3. SUPERINTENDENT OF POLICE,
PATHANAMTHITTA DISTRICT, PATHANAMTHITTA.

4. DIRECTOR GENERAL OF POLICE,
POLICE HEADQUARTERS, THIRUVANANTHAPURAM.

5. DIRECTOR GENERAL OF POLICE (CRIME)
THIRUVANANTHAPURAM.

6. STATE OF KERALA, REP. BY HOME
SECRETARY, SECRETARIAT, THIRUVANANTHAPURAM.

BY P.P. SRI. S.U. NAZAR.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 06/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

R. BASANT, J.

W.P.(C) NO. 17145 OF 2006-N

Dated this the 6th day of February, 2007

JUDGMENT

The petitioner is the wife of a deceased person who met with an unnatural death under suspicious circumstances. He had left his house and was with his friends on the evening of 8/4/06. He did not return and his body was found on 9/4/06 in a pool of water. The relatives entertained suspicions. They therefore aired their suspicions. Investigation has been conducted by the local police. The petitioner and the relatives are dissatisfied with the investigation. They complain that the proper, effective and meaningful investigation has not been conducted. They have specifically raised the circumstances under which they entertain the suspicion.

2. The deceased was allegedly found engaged in a drinking spree with some of his friends. It is the version of those friends now that the petitioner had got drowned. They had allegedly attempted to save him; but they could not. But their admitted conduct of not making a hue and cry and not

attempting to save the deceased and of their waking back to their house as if nothing had happened and their further conduct of making themselves scarce from the locality immediately after the event do all arouse suspicion of the worst variety.

3. I shall carefully avoid any detailed discussion on merits about the improbabilities of the conduct of such persons or venture to express any opinion on the disputed facts. Suffice it to say that, on an anxious consideration of all the relevant inputs, I am not satisfied that a purposeful, meaningful and effective investigation has been conducted by the police.

4. The learned Public Prosecutor also fairly and frankly concedes that the investigation conducted does not inspire total confidence. I am, in these circumstances, satisfied that investigation of the crime must be entrusted to more competent and efficient hands of proven capacity. Specialised agency of the Crime Branch CID can be directed to conduct the investigation. Such a direction, I am satisfied, shall serve the ends of justice eminently in the peculiar facts and circumstances of this case.

5. In the result:

(a) This writ petition is allowed.

(b) Investigation in Crime No.349/06 of the Pathanamthitta Police Station shall hereafter be conducted by the Superintendent of Police, CB CID, Kottayam, directly or through a Deputy Superintendent of Police of the CB CID chosen by him under his direct supervision. Necessary orders shall be passed by the respondents in this regard. The action taken shall be reported to this Court within a period of one month from this date.

Sd/-

(R. BASANT, JUDGE)

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P.S. to Judge